

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 258

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE PURPOSE OF JOINING WITH OTHER LOCAL GOVERNMENTS TO APPEAL CERTAIN CONDITIONS OF THE Phase II National Pollutant Discharge Elimination System (NPDES) Permit ISSUED BY THE DEPARTMENT OF ECOLOGY

WHEREAS, a Phase II National Pollutant Discharge Elimination System (NPDES) Permit is required under provisions of the Federal Clean Water Act and requires certain cities and other political subdivisions (collectively "Cities") in Washington to develop and maintain storm water programs; and

WHEREAS, Cities have worked collaboratively with the Department of Ecology ("DOE") for several years to craft a Phase II NPDES Permit that works for Washington State; and

WHEREAS, the City of Burien appreciates the efforts of the DOE and is prepared to do what is reasonably practicable to improve water quality, but some of the issues the Cities have with the permit conditions were not able to be resolved with the DOE; and

WHEREAS, the City of Burien believes this Permit imposes requirements that go further than necessary to achieve the objective of improving water quality; and

WHEREAS, the DOE has adopted standards ("DOE Standards") that may impose costly burdens on landowners, including Cities, and may also cause costly legal challenges to Cities as a result of enforcing DOE Standards; and

WHEREAS, the Cities are public agencies as defined by Ch. 39.34 of the Revised Code of Washington, and may enter into interlocal agreements on the basis of mutual advantage to provide services and facilities in the manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the potential impact of the DOE Standards on Cities and property owners is so significant and far-reaching, the City of Burien is joining together with other impacted local governments to explore all legal and other avenues available to challenge the DOE Standards including, but not limited to filing an appeal with the Pollution Control Hearings Board; and

WHEREAS, the appeal deadline is February 16, 2007, the effective date of the DOE Standards, and the City of Burien, together with other interested and participating local governments, wish to retain outside counsel ("Counsel") to represent the local governments in said challenge(s) and wish to collectively pay Counsel; and

WHEREAS, the City of Burien and the other interested and participating political subdivisions are disappointed that they need to appeal portions of this Permit, but remain open to discussing ways of resolving these issues in the course of the appeal; and

WHEREAS, the City of Burien desires to enter into an interlocal agreement with other interested and participating political subdivisions for the purposes described above;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES resolve AS FOLLOWS:

Section 1. Authorization. The City Manager is hereby authorized to execute an interlocal agreement with other interested and participating local governments for the purposes herein described, such interlocal agreement to be substantially in the form of the interlocal agreement on file in the office of the City Clerk.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 12TH DAY OF FEBRUARY, 2007.

CITY OF BURIEN

/a/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Christopher D. Bacha, City Attorney

Filed with the City Clerk: February 8, 2007

Passed by the City Council: February 12, 2007

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